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SEP 01 2004

**Applicant 30379**  
**Application: 09/683,685**  
**Art Unit: 2188**

# Fax

<b>To:</b>	Commissioner for Patents, Unit 2188	<b>From:</b>	Aleksandar Susnjar
<b>Fax:</b>	(703) 872-9306	<b>Pages:</b>	30 (THIRTY) including this cover page
<b>Phone:</b>		<b>Date:</b>	9/1/2004
<b>Re:</b>	Communication Paper 20040817	<b>CC:</b>	

Please find the included response to communication paper 20040817  
mailed August 19<sup>th</sup>, 2004.

Regards,

Aleksandar Susnjar

Application Number: 09/683,685  
Application Filed: 02/03/2002  
Applicant: Aleksandar Susnjar (30379)  
Title: High-Speed Disk Drive System  
Examiner: Kevin Verbrugge  
Art Unit: 2188  
Communication #: 20040831

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SEP 01 2004

Markham, Ontario 2004 September 1st, Wed

To: Commissioner for Patents

**RESPONSE TO COMMUNICATION PAPER NO. 20040817**

In response to the communication 20040817 mailed August 19<sup>th</sup>, 2004 please find the following included:

- General Comments
- Request for Continued Examination (PTO/SB/30) with extension of time fee and new claims
- Response to examiner's reasoning and petition against claim restrictions
- A drawing referenced from "Response to examiner's reasoning on claim restrictions"
- PTO/SB/30 (RCE Transmittal) form
- PTO-2038 (Credit Card Payment) form

**IMPORTANT NOTE:** This communication includes fee payment forms. One of the previous fees that I had to pay was charged twice. I would appreciate if that amount (US \$165) was deducted from the fee to be paid here instead of being refunded as I am loosing with any money transaction due to currency conversion. Please also check whether I do need to pay the time extension fee at all.

## General Comments

Examination of my invention has taken longer than expected. The application and claims did not seem to be well understood. Initial multiple dependencies between claims had to be removed which made for possibly confusing wording of the claims which, in turn, may have been the cause to incorrect interpretation and further examination.

After talking to the examiner I realized that I have to make new set of claims and attempt to word them better, in light of what I have learned about patent applications so far. The options I understood I have were:

- Have the notice of appeal filed, but applicable only to restricted (elected) set of claims
- Have the petition against restriction requirement filed for existing claims and hope it will be understood the way I intended to express application
- Having different claims by:
  - filing a request for continued examination with amendments to existing claims
  - filing a request for continued examination with new claims

I have already paid the fee for a response I made that was in a way both a notice of appeal and a petition against restriction. I was not aware that they have to be separate and that the appeal only applies to the elected (restricted) claims, as I viewed the appeal as something general, applying to both restriction requirement and claim rejections at the same time. The notice of appeal applicable to only restricted/elected claims does not help my application because the election was random, as I believed then and now that restriction should not have happened.

I was made aware that petition against restriction requirement usually does not get approved for whatever reason. I still believe that my reasoning is correct and that restriction requirement was wrong and that it improperly divided my invention

into parts. For this reason it would be a proper thing to do to file a petition against this restriction requirement. However, I cannot risk my invention on this petition alone.

Taking option of having different claims can help my application by having them worded in such a way that they are less likely to be misunderstood or too broad. Amending existing claims would affect the appeal and petition processes. Filing new claims with the request for continued examination, as I understand would not. I am too pressed for time to make a proper decision about which is a proper way to go now. Since having both petition and new claims seems to allow me to postpone making this decision for later, I elected to take this approach and include better worded claims as new.

I have included the forms with the enclosed payment for the time extension fee within the first month. Please verify whether I truly do need to pay this fee. Also, please, if it is possible charge only the difference between the amount to be refunded to me and the total fee to be paid for this communication.

## **Response to examiner's reasoning on claim restrictions and petition against restriction requirement**

### **Regarding Classification of Claims**

The claims are incorrectly classified as I have shown in my original response to the original office action imposing restriction requirements. Please refer to that communication. Unfortunately, I have had a problem with my computer and have lost that response and its number so I cannot include it here.

### **Regarding Group I**

The examiner states the following:

*The inventions are distinct, each from the other because of the following reasons: Inventions I, II, III, IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, each of the inventions has separate utility such as in systems that don't have the other inventions. None of the groups requires any of the other groups, proving that they are independent subcombinations. They may be used together, but are not required to be used together.*

I have already shown in my previous responses that this is not the case. Specifically, it is not true that groups are separately usable. It is also not true that they do not require one another, as I will show and prove again in this response. I will do so step by step, following examiner's reasoning and replying to it.

Examiner first states:

*Group I is drawn to immediate fetching from plural heads simultaneously. This operation does not require Group II because the plural heads could be on a single surface. This operation does not require Group III because the plural heads could be on plural surfaces, with a single head per surface.*

"Group II" of claims deals with simultaneous accesses on plural surfaces and "Group III" with plural heads per single surface. Therefore, words "plural heads could be on a single surface" relate to Group III and words "plural heads could be on plural surfaces, with a single head per surface" relate to Group II. Because of this the above statement is equivalent to the following:

*"Group I is drawn to immediate fetching from plural heads simultaneously. This operation does not require Group II because it can work with Group III. This operation does not require Group III because it can work with Group II."*

This means that the examiner is aware of dependencies between these groups, as the statement means that Group I needs either Group II or Group III, all part of my invention.

Examiner further states (about Group I):

*This operation does not require Group IV because immediate fetching does not require optimization of future accesses.*

Group I is, by itself an important part of "optimization of future accesses" as many times the information fetched immediately would not be needed immediately but in near future. Without either Group I or Group IV my invention greatly loses its utility and the enhancements it would bring over prior art would be significantly reduced and possibly uneconomical. I will come back to this later.

Examiner continues:

*This operation does not require Group V because immediate fetching is unrelated to fine head positioning.*

Immediate fetching from multiple heads is impossible without fine head positioning. Consider, for example, an array of heads on a single actuator arm, without fine head positioning. When a request is issued to read a sector given its address (cylinder, surface and sector number) the actuator arm would be moved to position the head corresponding to the desired surface directly over the target cylinder at that surface. Other heads, physically attached to the same actuator arm will move as well and will be "over" and "under" the head responsible for actually reading the desired sector. However, their alignment will not be perfect for three reasons:

- Thermal and other deformations of the actuator and its arms
- Thermal and other deformations of the disk material itself
- Thermal and other deformations of the enclosing case holding both the actuator and disk spindle

Due to these misalignments, different heads will be at different cylinders on different surfaces or in between the cylinders. In other words, they would either be reading wrong data or no data at all. Attached drawing 1 represents this situation graphically:

- (1) – rotational axis of sample three-platter hard disk drive
- (2) – upper surface of upper platter of sample hard disk drive
- (3) – upper surface of middle platter of sample hard disk drive
- (4) – upper surface of lower platter of sample hard disk drive
- (5) – paths heads traverse for a given cylinder when ideally mounted on ideal actuator (not possible in practice)

- (5.2) – path upper surface of upper platter head traverses (ideally) for given cylinder (5)
- (5.3) – path upper surface of middle platter head traverses (ideally) for given cylinder (5)
- (5.4) – path upper surface of lower platter head traverses (ideally) for given cylinder (5)
- (6.2) – (physical) recorded data track on the upper surface of upper disk, corresponding to logical cylinder (5) having lesser diameter than (5) and/or (5.2) due to lesser thermal expansion of upper platter (in sample case) than other platters. The deformation is exaggerated to improve visibility.
- (6.3) – (physical) recorded data track on the upper surface of middle platter, corresponding to logical cylinder (5), sitting directly over (5.3) showing a situation of either expected thermal expansion or heads being positioned specifically for this track.
- (6.4) – (physical) recorded data track on the upper surface of lower platter, corresponding to logical cylinder (5), having greater diameter than (5) and/or (5.4) due to greater thermal expansion than other platters. The deformation is exaggerated to improve visibility.
- (7.2) Position of the upper-surface upper-platter head for realistic (non-ideal) actuator arms, showing that head is positioned slightly off to the right from both ideal cylinder location (5) and (5.2) and actual recorded data track (6.2). The misalignment is exaggerated to improve visibility.
- (7.3) Position of the upper-surface middle-platter head for realistic (non-ideal) actuator arms, showing that head is positioned correctly, right on top of ideal and actual location of its cylinder and recorded data track – (5), (5.3) and (6.3)
- (7.4) Position of the upper-surface lower-platter head for realistic (non-ideal) actuator arms, showing that head is positioned slightly off to the left from both ideal cylinder location (5) and (5.2) and actual recorded data track (6.2). The misalignment is exaggerated to improve visibility.

Lower surface details are omitted for clarity of the drawing and as they are not necessary to show the point. In this example, the actuator arms are positioned such that they bring the upper surface head of middle platter (7.3) onto the track to be read. At the same time other heads (7.2) and (7.4) are not perfectly aligned with that head due to the deformation or misalignment of actuator arms.

Furthermore, not all disks (platters) and their surfaces are deformed the same way also causing tracks (6.2), (6.3) and (6.4) that belong to the same cylinder to not be aligned with one another.

In other words, although the actuator arm can position one of the heads directly over the recorded track, other heads on the same actuator will generally not be aligned with their record tracks corresponding to the same cylinder. Instead, they will generally be misaligned.

This misalignment renders the heads for (7.2) and (7.4) inoperative as they are not aligned with proper recorded data track and would either read wrong or no data. This would not allow Group I to fetch from all heads. This applies to both Group II and Group III as no Group III can exist without Group II also present as a single platter always has at least two surfaces, and therefore, also requires Group II.

Group V directly addresses this issue by allowing the heads to be fine controlled and aligned with their actual corresponding recorded data tracks in a performance, power, thermally and economically efficient way.

This shows that Group II works together with Group II, III, IV and V. Furthermore, in this advanced system devising the strategy or plan of execution of host's commands is very important, much more so than in prior art hard disk drives. Group I and Group IV either form or are used to form this strategy. Without them (either Group I or Group IV) the entire invention greatly loses the performance as it will not be able to efficiently use its available hardware. Therefore, Groups I

and IV are required by the rest of the invention, just like they require it and have either very little and uneconomical utility or no utility at all without them.

## Regarding Group II

The examiner begins with the following:

*Group II is drawn to simultaneous accesses on plural surfaces. This operation does not require Group I because the plural heads could be on a single surface. This operation does not require Group III because simultaneous accesses could be done with a single head per surface.*

This is similar to Group I comments. "Group II" of claims deals with simultaneous accesses on plural surfaces and "Group III" with plural heads per single surface. Therefore, words "plural heads could be on a single surface" relate to Group III and words "single head per surface" relate to Group II. Because of this the above statement is equivalent to the following:

**Group II is drawn to simultaneous accesses on plural surfaces. This operation does not require Group I because of a possibility of Group III. This operation does not require Group III because simultaneous accesses could be done with Group II.**

Therefore, the dependencies are again pointed back into my invention. Group II requires Group I to achieve its full performance. Without it has significantly reduced utility.

Examiner continues:

*This operation does not require Group IV because simultaneous accesses are unrelated to optimization of future accesses.*

This is not true. With this system the hard disk drive could achieve transfer rates much higher than today's host interfaces can handle. In that case data will be organized in such a way that only some integer division of total number of heads actually immediately deliver the data, while others are collecting data for future access. When future data is requested, some of it may have already been read by the other heads and will be delivered. At the same time the hard disk drive can act forward and fetch even more requested or predicted-as-needed data. This is crucial for the introduction of my invention into production as it will allow maximum utilization of current interfaces. Without it the host interface would suffocate the hard disk drive performance while, at the same time, its (interface's) available bandwidth would not be used efficiently, dropping the performance down and closer to prior art, which is not the point of the invention.

Examiner finishes his Group II comments with:

*This operation does not require Group V because simultaneous accesses are unrelated to fine head positioning.*

The opposite is true, as explained previously and shown in the attached drawing  
1. Simultaneous access on plural surfaces is impossible without fine head positioning due to misalignments caused by thermal and other deformations of platters, actuators and other hard disk drive hardware.

### Regarding Group III

Examiner begins with:

*Group III is drawn to plural heads per surface. This operation does not require Group I because the plural heads could be on plural surfaces.*

This statement is flawed by itself: "drawn to plural heads per surface... could be on plural surfaces". Group III is drawn to plural heads per surface. This does require Group I in any embodiment simply because not using all the heads on any given surface would result in Group III system only reducing average rotational latency from  $T/2$  to  $T/(2N)$  where  $T$  is a period of rotation and  $N$  is a number of heads per surface.

Latency would be reduced because the sectors travel full circles each period  $T$ . In the worst case the sector may have just passed the head, requiring almost a full period  $T$  until it revolves back to the head. In the best case the sector may be just coming right under the head, requiring no latency at all. On average the sector is half revolution away, requiring, therefore  $T/2$  latency (wait) before it can be accessed by the associated head. When multiple heads are present per surface and distributed evenly at the circumference of the cylinder, the worst case is no longer full revolution as the sector does not need to come to any specific head but the "first head it encounters". If there are  $N$  heads per surface, the circumference is divided in  $N$  equal sections. If  $T$  is the period of full revolution, then the time required for disks to revolve only one section (or one angle between two neighbouring heads) is equal to  $T/N$ . The best case is the same as in previous example – no latency time. The average case is that the sector beginning is exactly in the middle between two neighbouring heads and must travel half a section to the next head. This time is  $T/(2N)$ , where  $N$  is the number of heads per surface.

Transfer rate would remain the same without Group I. In an embodiment where Group III hard disk drive is implemented without Group I it does not immediately fetch data from all heads on the surface. This means that out of  $N$  heads on a single surface only one (1) will be used at any given time. Since the rotation speed of the disk is unchanged in all embodiments the recorded data travels under that one head at the unchanged speed. If however, Group I is included, all

N heads could be reading different parts of recorded data, effectively multiplying the transfer rate by a factor of N (number of heads per surface).

Therefore, Group III hard disk drive that does not include Group I would only improve the latency and not transfer rate. The overall latency does not only depend on rotational latencies but others as well. Overall latency for prior art hard disk drives is in the range of 12ms. Current disks rotate at an average of 7200 per minute, which yields rotational latency of approx. 4 ms. Adding another head per surface can drop this down to 2ms, which reduces an overall latency from 12ms down to 10ms which is less than 20% improvement and that is latency only. Transfer rate would remain the same. Assume that in some test case only 256 kilobytes are read before the heads need to be repositioned, at 70 megabytes/second. This means that reading a 256 kilobyte chunk requires first the overall latency period then the actual read period. Read period at 70 MB/s is  $256\text{kB} / 70\text{MB/s} = 3.572\text{ms}$ . When latency period is added this becomes 15.572 ms for prior art hard disk drive and 13.572 ms for Group III hard disk drive without Group I. These numbers correspond to effective, sustained, 8.027 MB/s transfer rate for prior art hard disk drive and 9.21 MB/s Group III without Group I, which is only 14.7% better. This improvement can be achieved much more effectively and economically by simply increasing the rotation speed from 7200 rpm to 10000 rpm for example. Transfer rate of equivalent 10000 rpm drive without any of my inventions would be equal to sample Group III hard disk drive without Group I. This is significantly less expensive than implementing Group III hard disk drive, proving that Group III does not have utility by itself. The more data is read per chunk the less of a difference there is.

Now, Group III hard disk drive with Group I implemented, having only one extra head per surface would both reduce the rotational latency same as above but would also at least double the raw transfer rate (assuming a single surface hard disk drive) from 70 MB/s to 140 MB/s, therefore requiring not 3.572ms but 1.786ms only, totalling 11.786 ms. This produces 10.606 MB/s transfer rate in

the test case, which is by a third faster than prior art. And the more data is read per chunk the greater improvement there is, including a theoretical maximum of twice the original speed. Since no hard disk drive is a single surface only, so with Group I improvements apply twofold. Therefore the numbers should be multiplied by a number of surfaces. In many cases this is four (4) surfaces. If each surface has two (2) heads this yield  $2 \times 4 = 8$  (eight) times greater maximum transfer rate than achievable with the prior art hard disk drive of the same data density and rotational speed.

This means that Group III improvements do require Group I improvements to be of any utility.

Examiner further states (about Group III):

*This operation does not require Group II because the simultaneous accesses could be with a single head per surface.*

Group II is, in fact, about covering the case with a single head per surface. Therefore words "single head per surface" relate to "Group II" without "Group III". Therefore the statement above effectively means the following:

This operation does not require Group II because simultaneous access could be done with Group II.

If "A" does not require "B" because instead it can use "B" then "A" does require "B" and the statement is flawed.

Furthermore, hard disk drives always have multiple surfaces – at least two as a single disk can not have only one surface by its very definition – it always has two surfaces, not counting its edges. Therefore, any hard disk drive containing at

N disks (where N is always greater than or equal to 1) always has S=2xN surfaces, where S is, therefore, always greater than or equal to 2.

Since Group II is about simultaneous access on plural surfaces in order to achieve the target high speed and applies to plural surfaces, then Group III, always having plural surfaces by themselves also requires Group II.

Examiner continues:

*This operation does not require Group IV because having plural heads is unrelated to optimization of future accesses.*

This is not true for multiple reasons:

- Heads may or may not be evenly distributed around circumference of any given cylinder. In most cases they can not be due to space limitations and actuator placement. For this reason some heads will start and finish reading or writing their sectors before other heads. Once they do so, they could be moved to what is to be read next (e.g. next following cylinder or next request in queue) to avoid idling them. Idling the heads would cause significant degradation in otherwise possible performance. In the examples given on pages 9 and 10 of this response I have shown the difference between prior art and Group III hard disk drives with or without Group I, but always without Group IV. It has shown 33% improvement in the test case only. Now, although its maximum rate was 140 MB/s the effective rate was only 10.606 MB. The bottleneck is caused by the overall latency, most of which comes directly from moving heads. Simply by moving heads that have finished reading their data immediately to the next request position can reduce or even eliminate the latency time. This significantly increases the effective transfer rate while not changing the hardware of the hard disk drive.

- Many times, in multi-tasking, multi-processing or multimedia editing environments (all common) it is necessary to access multiple slower streams of data at the same time. The absolute maximum single stream rate is almost never important. Realizing the existence of multiple streams and allocating hard disk drive resources (such as separate head actuator arms) for different streams or otherwise optimizing their locations is crucial for improving performance. Without properly allocating multiplicity of available heads the system will get stalled by idling (not using) the heads and by moving them too frequently and at wrong times.
- Group IV is mostly there for Group III and effectively requires it as it serves to optimize the location of multiple actuator arms, carrying multiple heads per surface.

Therefore, Group III does require Group IV to achieve its potential.

Examiner finishes comments about Group III with:

*This operation does not require Group V because plural heads per surface is unrelated to fine head positioning.*

This only appears to be so because the dependency is indirect. Group III relies on Group II (as shown before in this response), which is by itself impossible without Group V (as also shown before in this response). Therefore, Group III (indirectly) requires Group V.

#### Regarding Group IV

Examiner begins by writing:

*Group IV is drawn to optimization of future accesses. This operation does not require Group I because immediate fetching is unrelated to optimization of future accesses.*

Immediate fetching is the optimization of both current and future accesses as it will fetch information that may not be needed immediately or even at all. Therefore it is not unrelated.

Examiner further states:

*This operation does not require Group II because simultaneous access on plural surfaces is unrelated to optimization of future accesses. This operation does not require Group III because plural heads per surface is unrelated to optimization of future accesses.*

This is not true. Hard disk drives that implement by invention can achieve much higher transfer rates than current interfaces can achieve. For example, they could easily achieve 2.3 GB/s (gigabytes per second) when implemented with other necessary but current technology. The fastest interface found is still unavailable Ultra-640 (or Fast-320) SCSI capable of 640 MB/s only. This means that it is realistic that the drives will operate in environments that can not achieve their maximum raw (unsustainable) data speed but only a fraction of it.

This fact places utmost importance on effectively utilizing available bandwidth by not starving the communication with periods of latency caused by unavailability of data or repositioning of heads. Hard disk drives when used in slow interface configuration, therefore, should organize their data in such a way that currently requested data is read from as many heads as needed to meet the maximum communication speed, but not more. Other heads would be allocated to reading potential future data. Due to limited buffer sizes not all of this data can be read and therefore has to be optimized. This is how Group II and Group IV are related.

Group III further increases the dependency on Group IV, as mentioned above since the multiplicity of head actuator arms need to be allocated properly in anticipation of what will be requested in the future.

Furthermore, Group IV does not have any utility with prior art as prior art hard disk drives are incapable of performing a multiplicity simultaneous operations at all and, therefore, do not need and would not benefit from strategy building optimization that Group IV is about. Since Group IV does not have a utility by itself and Groups II and III require it, it is not a separate, standalone group of claims.

For these reasons and other reasons mentioned previously in this response, both Group II and Group IV are valid inter-dependent claims that have no utility without one another.

Examiner finishes with:

*This operation does not require Group V because fine head positioning is unrelated to optimization of future accesses.*

Group IV may not directly require Group V but it does so indirectly through Group II as Group II is impossible without Group V.

### **Regarding Group V**

Examiner begins with:

*Group V is directed to fine head positioning. This operation does not require Group I because it is unrelated to fetching from plural heads simultaneously.*

Fine head positioning in this invention is all about aligning the heads properly so that they can access the same logical cylinder, by correcting the misalignment

caused by thermal and other deformations, separately for each head. It serves no other utility and therefore is there solely to enable Group I.

Examiner continues:

***This operation does not require Group II because it is unrelated to simultaneous accesses on plural surfaces.***

This is simply not true because Group V is all about enabling simultaneous accesses on plural surfaces by correcting the head-to-track misalignment caused by thermal and other deformations separately for each head. In fact, Group II is impossible without Group V and Group V otherwise has no utility.

Examiner further states:

***This operation does not require Group III because it is unrelated to plural heads per surface.***

Group III assumes Group II as proven previously in this document. Group II requires Group V and is otherwise impossible, also as proven previously in this document. Group V has no utility without Group II and/or III.

Examiner finishes with:

***This operation does not require Group IV because it is unrelated to simultaneous accesses with optimization of future accesses.***

I explained why there is an indirect dependency before in this document (in "Regarding Group IV") and, therefore, why this statement is not true.

## Summary

I have shown how all groups are related and require one another. Although groups may appear to be independent on the surface each one of them is fulfilling some duty in the high speed hard disk drive system my invention describes.

Every invention has parts, just like this one. Yet having parts does not mean that they are separate inventions. In my invention all the groups are tied to a single goal stated in the title of the invention – high speed hard disk drive system, where word “system” denotes a system of inter-dependent components described by these groups that together significantly improve the performance of the hard disk drive. I have also shown how removing any of those components has significant impact to this performance by lowering it to the point of no utility, as same improvements can be achieved in much simpler ways.

The claim groups were based on their wrong classification, as I have described in one of my previous responses that you have on file. This invention, like many, is spanning multiple different technologies and is multidisciplinary. But that does not allow for breaking it into separate pieces that have no utility on their own.

Breaking my invention into specified claim groups denies the importance of my invention overall. As separated groups have no utility and, taken out of the context of the whole invention they are made for they loose their meaning they are less likely to be awarded the patent approval, which also denies the invention as a whole. Yet nothing even closely similar has been found either by my initial patent search or examiner's for all these years. This does prove it is unobvious and genuine.

The examiner fails to prove that restriction requirements are valid. Furthermore, while stating that some of my claims are obvious actually proves that they are not by not envisioning the causes and effects and incorrectly drawing conclusions.

The examiner finishes his analysis by stating:

*For these reasons and the reasons stated in the restriction requirement, the restriction requirement is deemed proper and is maintained and has been made final.*

However, none of the reasons stated in paper 20040818 (to which I am responding) is valid, as I have shown here. Restriction requirement was not proper by itself as it did not include any proof or analysis at all. Therefore the restriction requirement is not proper and can not be made final.

If this is not clear from my claims please constructively notify me of this and where the confusion may lie and what changes would you like to see. I will be happy to incorporate them.

I am not on a quest to rid the world of my invention by imposing fees on it. My cause for the invention is that I can dedicate it to my, now late, father and gain some recognition for myself that can help me get further in the world of research and development. I have many more inventions on my mind that will allow me to gain some further interest. However, at present, as a small entity (an individual) I am very limited by the funds I have in what I can do and I am not employed with the company that works with anything remotely similar to the inventions I have, including this one. Gaining some recognition would help be start working with these companies and have more patents with them.

Therefore I will ask, again, for constructive advice from US PTO. I am not well acquainted with all the rules and regulations and it is taking me significant time trying to learn about them as I go, from Internet sites and books. I don't even have anyone to ask and certainly not enough funds to pay someone to do this for me. Yet I am paying for fees that don't seem like they were needed at all. The

last fee that I paid, for the Notice of Appeal, was charged twice. The extra fee is still not refunded and I will loose anyway due to currency conversion.

I filed the Notice of Appeal because that was the option I was given to me by the examiner. I did not know of the differences between an Appeal and Petition, or even of the existence of such thing as a "Petition". I have provided answers and proofs to same questions multiple times and they seemed to not have been taken into account and analyzed appropriately. I have not found any forms on US PTO web site pertaining to petition against restriction requirement. However, my second last communication ("Notice of Appeal and Response to Fourth Office Action") seems to be interpretable as both the appeal and the petition as it does address both issues.

I hereby humbly request that the restriction requirement is to be reconsidered and to treat this part of this communication as the petition against restriction requirement imposed on claims 1 through 19, because the indicated groups are dependent and incorrectly classified.

Regards,

Aleksandar Susnjar  
Markham, Sep 01<sup>st</sup>, 2004